

Yellow Brook Property Co.
91 Rumson Road
Block 124, Lot 31

CONSTRUCTION OF A MULTIFAMILY RESIDENTIAL HOUSING DEVELOPMENT

RESIDENT PUBLIC COMMENT TO BE READ INTO RECORD

BERMAN	4 OSPREY LANE
SCOBLE	5 OSPREY LANE
GAY	7 OSPREY LANE
HARCSAR	10 OSPREY LANE
COSGROVE	12 OSPREY LANE
SCHEFFER	8 TUXEDO ROAD

BERMAN 4 OSPREY LANE

AUG 30 2021

BOROUGH OF RUMSON

To: Mr. Frederick Andre, Planning Board Secretary and Zoning Officer, Borough of Rumson

Subject: Proposed Development - Lot 31 Block 124

Date: August 30th 2021

Mr. Andre,

By way of an introduction, we are Erin and Allen Berman and we live at 4 Osprey Lane in Rumson. 4 Osprey has been our home for over 20 years and is located in the lot adjacent to the proposed Yellow Brook development - lot 31 block 124. The purpose of this letter is to inform the board of a number of concerns we have with the current proposed development plan. In your capacity as Planning Board Secretary, we would like to ask this letter be brought to the attention of the full Planning Board for formal consideration.

Screening of the Proposed Development

- With the addition of 14 townhomes in the adjacent lot, we are very concerned with trying to preserve our privacy. We would like to see reasonable measures taken to ensure:
 - a) the proposed development is not visible from our property AND
 - b) the townhouse residents do not have visibility into our property, including the lower 1 story ranch home where we reside AND
 - c) the screening is effective throughout the calendar year

We would like request the board consider requiring the developer to plant an 8 ft high evergreen barrier along the entire length of the shared property boundary.

- We have found it difficult to get a clear picture of the landscape plan from the documents provided. This is due to inconsistencies in the presentation of the information, as well as updates not being applied back to prior documents.
 - We would like to request the board consider asking French & Parrello to produce 1 standard landscape pack which contains all of the relevant landscape documentation. As updates arise, they should be applied across each of the slides in the standard landscape pack. Once completed, a new version of the standard landscape pack would be distributed.
 - We would like to suggest the standard landscape pack include up to date versions of the following materials:
 - 14. Schematic Landscape Buffer Plan, dated March 27, 2019, last revised March 18, 2021
 - 25. 91 Rumson Road Osprey Lane Elevation View
 - 30. 91 Rumson Road Column Entrance
 - 27. 91 Rumson Road Tuxedo Road Site View
 - 13. Schematic Duplex Planting Plan, dated March 27, 2019
 - and the following pages from 21. 91 Rumson Road Exhibits and Site Plan, dated March 23, 2021
 - ❖ page 8 - Triplex and Carriage House Planting Plan
 - ❖ page 10 - Landscape Buffer Section (contains elevation views from 4 Osprey, 10 Osprey, 93 Rumson Rd)
 - ❖ page 11 - Landscape Buffer Section (contains elevation views from 4 Osprey, 10 Osprey, 93 Rumson Rd)
 - ❖ page 3 - Section 14. In particular 14f, which contains the only reference we have found to plant material height.

- Page 3 of the document labeled 21. 91 Rumson Road Exhibits and Site Plan, dated March 23, 2021 indicates there are 2 distinct minimum heights for evergreens – 4ft and 2 ft.

We would like to request the board consider asking French & Parrello to modify the landscape plans to include symbols which indicate the height of proposed evergreens which appear on the plan.

- We would like to request the board consider asking French & Parrello to provide winter elevations to accompany each of the elevation views in the provisioned materials. These include:
 - 25. 91 Rumson Road Osprey Lane Elevation View
 - 30. 91 Rumson Road Column Entrance
 - 27. 91 Rumson Road Tuxedo Road Site View
 - 21. 91 Rumson Road Exhibits and Site Plan, dated March 23, 2021. More specifically, pages 10, 11, 12 which contain elevation views from 4 Osprey, 10 Osprey, and 93 Rumson Rd.

- In the August 9th meeting, we recall Mr. Decina from French & Parrello mentioning that landscape walls had recently been added to the plan. These walls front the outdoor parking spaces and appear to be intended to limit the impact of headlights into the adjacent homes. There are 5 parking spaces located between the Proposed Carriage #1 House and Garage structures. These parking spaces are aimed into our back yard. It does not appear a landscape wall has been planned for these spaces.

We would like to request the board consider requiring a landscape wall be placed in front of the 5 parking spaces located between the Proposed Carriage #1 House and Garage structures.

Misc.

- Page 3 of the document labeled 5. Preliminary and Final Major Site Plan – Lauriston Park (B124, Lot 31), dated January 29, 2021 shows the removal of approximately 75 trees from the site. It is our understanding that removing trees near wetlands makes the area even wetter.
 - Has this been taken into consideration in the plans?
 - How will the developer ensure that neighboring properties are not negatively impacted?
 - What recourse will the neighboring property owners have assuming additional water and/or wetlands spread further into their properties due to tree removal, additional hardscape, property grading or other causes?
 - Have an equivalent number of trees been added to the site?

- By our count, there are currently 12 homes on Osprey Lane. The proposed development represents a more than 100% increase in the number of homes on Osprey Lane. Furthermore, due to wetland constraints, only a fraction of the 5.79 acre parcel can be developed. In our view, the scale and density of this project is too high and is inappropriate for this neighborhood.

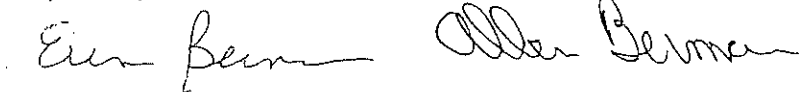
We would like to request the board consider requiring the developer to reduce the density of the proposed plan

- According to information contained on pages 2 & 3 of the document labeled 22. First Engineering Review, July 21, 2021:
 - Total number of required parking spaces = 30
 - Total number of proposed parking spaces = 51In light of the overabundance of parking, as well as the general overdevelopment being proposed for the site, it is our view the freestanding garage located near Proposed Carriage #1 House and Proposed Duplex #1 Dwelling is completely unnecessary and should be dropped from the plan.

We would like to request the board consider requiring the Garage structure be removed from the proposed plan

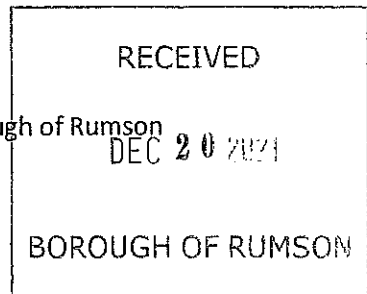
In closing, we cannot find the words to adequately convey to the board how upset our family is at the prospect of having to live besides such a large development, and the level of frustration we feel in having had virtually no ability to participate in shaping an outcome. We feel utterly defenseless as we watch this development being imposed on us. Any actions the board can take to meaningfully reduce the size and scale of the development, as well as the impact on the surrounding neighborhood, would be greatly appreciated. We thank you for your time and consideration.

Respectfully,



Erin and Allen Berman
4 Osprey Lane, Rumson, NJ
(732) 450-1621
allen_berman@yahoo.com

To: Mr. Frederick Andre, Planning Board Secretary and Zoning Officer, Borough of Rumson
Subject: Proposed Development - Lot 31 Block 124
Date: December 20th 2021



Mr. Andre,

By way of an introduction, we are Erin and Allen Berman and we live at 4 Osprey Lane in Rumson. 4 Osprey has been our home for over 20 years and is located in the lot adjacent to the proposed Yellow Brook development - lot 31 block 124. It is our view that Yellow Brook Property's site plan for 91 Rumson Road must be denied by the Borough of Rumson Planning Board because it does not adhere to the Affordable Housing Settlement Agreement dated 1/16/20 ("Settlement Agreement") (located at <http://rumsonnj.gov/downloads/Yellow-Brook-Agreement-011720.pdf>) and adversely affects the surrounding neighborhood because of its significant increase in elevations.

The Site Plan for 91 Rumson Road Does Not Adhere to the Settlement Agreement

The site plan calls for significant increases in the grade elevation for the roadway accessing Osprey Lane, the roadway between buildings 1 through 4, and buildings 1, 2, and 4.

1. Buildings 1 & 2: elevations between the development roadway and the east side of the buildings will be raised between 4.9' and 1.7' depending on location, including 3.3' to 4.23' at the east walkway for these buildings fronting Osprey Lane.
2. Roadway Between Buildings 1 Through 4: elevations are raised 1.8' to the north side, 3.48' to the middle and 3.9' to the south end of the roadway between these buildings.
3. Building 4: elevations will be raised 4.1' between buildings 3 and 4 and 4' in the center of the west side of building 4.
4. Roadway Accessing Osprey Lane: elevations are raised by 3.4' at the inlet at the southwest corner of building 2 and 1.46' at the inlet nearest the southeast corner of building 2.

These elevation differences can be seen comparing page 7 to pages 9 and 10 of document 40. "91 Rumson Road Lauriston Park" located on the Borough website (<http://rumsonnj.gov/planning/91-Rumson-Road-Planning-Board-Documents.html>).

Section **E. Community Design and Access** of Exhibit D to the Settlement Agreement states that "Any plan for the development of the parcel shall be **substantially consistent**¹ with Exhibit C of the Yellow Brook Settlement Agreement (also attached hereto as Exhibit A), which shall be utilized, in terms of layout, arrangement, scale and intensity."

Exhibit C of the Settlement Agreement is titled "Concept Site Plan and **Elevations**² for Rumson Road Development." The Osprey Lane Elevation rendering included in Exhibit C to the Settlement Agreement seen below can be found on page 46 of 82 of the Settlement Agreement.

¹ Emphasis added

² Emphasis added

The Osprey Lane Elevation rendering (below) clearly does not contemplate the significant elevation increase included in Yellow Brook's proposed site plan for the 91 Rumson Road property. The significant increase to elevations proposed by Yellow Brook for the property were not agreed to by the Borough of Rumson when it signed the Settlement Agreement as seen below.



OSPREY LANE ELEVATION

	OSPREY LANE ELEVATION 91 RUMSON ROAD RUMSON, NJ 07068 PREPARED BY: FPA DATE: 10/1/01	
	PREPARED FOR: YOUNG & RUBICAM 100 WALL STREET NEW YORK, NY 10038	CHECKED BY: DATE:

Section 4.1 of the Settlement Agreement states that “Nothing herein shall preclude the Developer from seeking reasonable bulk variances, waivers or *de minimis* exceptions as part of the development applications. That said, the site plan elevations are not *de minimis* nor are they consistent with the scale and intensity referenced by section E of Exhibit D to the Settlement Agreement and should not be approved.

Further Perspectives

As residents of the neighborhood directly affected by this proposed development, we are vehemently against this site plan and its significant elevation increase for the following reasons:

- It is inconsistent immediate surrounding neighborhood in its height and scale of the increased elevations.
- A layman's eye indicates at least an acre of the property will be significantly raised, especially that part immediately facing Osprey Lane.
- A perpetual amplification and reverberation of noise pollution detected down to lower lying neighboring properties.
- Severe stormwater runoff not captured by a drainage system is more likely to negatively impact neighboring property owners.
- The higher elevation of the planned property will increase the impact of nighttime lighting from the buildings on neighboring homes and the Freshwater Wetlands.
- The increased pitch under the plan will limit the effectiveness of the Freshwater Wetlands buffer zones.
- The significant rise in the driveway will exacerbate the negative impact of headlights shining into 7 Osprey Lane for cars heading east.

For the reasons outlined in this letter we request that the Borough of Rumson Planning Board reject Yellow Brook's, and any site plan which includes such a significant increase in the scale and intensity of the site elevations.

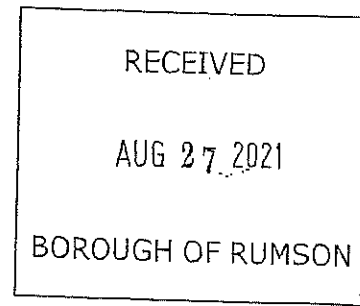
Respectfully,

The block contains two handwritten signatures in black ink. The signature on the left is 'Allen Berman' and the signature on the right is 'Erin Berman'. Both are written in a cursive, flowing style.

Erin and Allen Berman
4 Osprey Lane, Rumson, NJ
(732) 450-1621
allen_berman@yahoo.com

SCOBLE 5 OSPREY LANE

August 26, 2021



Re: Proposed Development Lot 31 Block 124

Dear Mr. Andre,

On July 12, 2021, we completed our purchase of 5 Osprey Lane. In light of our new address, we have been following the proposed development of Lot 31 Block 124. While new to the public dialogue concerning this project, we have pertinent points to submit to you and the committee for consideration in discussing the future of the site and neighborhood.

Hearing Impaired Child

Since taking ownership, we have become concerned about the existing traffic pattern and even more so about the future traffic patterns for Osprey Lane. We have witnessed both traffic blocks and excessive speed. As you know, Osprey Lane is a narrow street and even the current use by existing traffic and service vehicles create constraints that restrict its passage. Further the lane seems to be used as a speedway by a few too many causing notable concern for the children that reside on the lane.

To date, we have expressed our concerns to Chief Scott Paterson and how it specifically relates to our family. Our 7-year-old child has a birth defect that renders her severe to profoundly deaf in her left ear and is under regular care by Children's Hospital of Philadelphia. Unfortunately, there is no medical solution to her single sided deafness, and it is not aid-able. Safety is of utmost priority and concern as she is not able to localize sound specifically in this case, traffic. Although we of course make adjustments, the potential increase in local traffic is of grave concern for her safety and well-being.

We understand there is an existing driveway and primary access point to the subject property on Tuxedo Drive. This driveway has served the current property and appears to be a common sense and cost-effective solution as it already exists. We respectfully ask that this be the access point for the new development and continue to be utilized as is. This would alleviate any safety concerns for our hearing-impaired child, as well as, environmental concerns avoiding the protected wetlands on Osprey Lane.

Water Flow

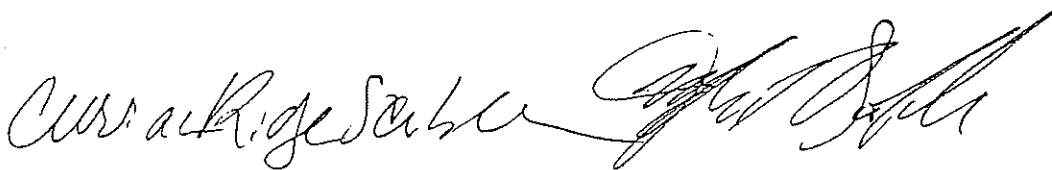
In purchasing the property, we were fully aware that it is in a wetter part of Rumson. Still, we were surprised by the duration that the rainwater from Henri was pooled at the sewer line post-storm.

We are very concerned that the infrastructure of the sewer system is not sufficient to handle the needs of the proposed development. Further, we are concerned that any redirection of the underground pipes for Lot 31 Block 124 will further strain the sewer system and create damaging water pools to our property at 5 Osprey Lane.

It is our understanding that Mr. David Marks does not have an original site plan or a plan to address the water run-off. This is something that requires advanced planning before any construction efforts so to mitigate any unintended consequences to the neighboring properties.

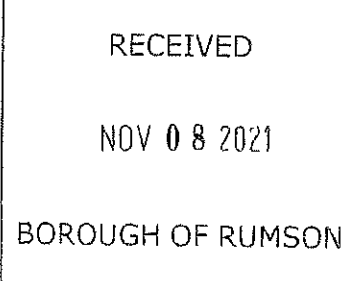
Thank you for your consideration of our concerns. We approve you sharing our letter with Yellow Brook, Mr. Marks and others involved in the project development.

Regards,

A handwritten signature in cursive script, appearing to read "Curran and Matthew Scoble".

Curran and Matthew Scoble

5 Osprey Lane, Rumson, NJ



November 7, 2021

5 Osprey Lane
Rumson, NJ 07760

Re: Proposed Development Lot 31 Block 124

Rumson Borough Hall
c/o Fred Andre
80 E River Road
Rumson, NJ 07760

Dear Mr. Andre,

On November 1st, 2021, we received a certified letter of notice regarding Yellow Brook Property Co, LLC's (YBR) request for design waivers specifically with lighting on the proposed development site noted above.

We, as the owner-residents of 5 Osprey Lane, strongly oppose granting any variance and/or waiver as it relates to lighting on the proposed development site. In its entirety, Osprey Lane has four streetlights. This is with intention, in part to minimize the artificial light around the natural, nocturnal wildlife in the protected Wetlands on Osprey Lane. This minimalist approach of artificial lighting is followed on Shrewsbury and Avenue of the Two Rivers which form the boundary of the Osprey block which contains protected Wetlands.

The life-sustaining behaviors of both plants and animals are dependent on the Earth's natural rhythm of day and night. This statement is as cited by the International Dark Sky Association and US Department of the Interior among other organizations. Artificial lighting is harmful to this cycle.ⁱ The US Department of the Interior further states: light dimmer than that of a half-moon ($<10^{-1}$ lux) is sufficient to influence the vertical distribution and migration of aquatic invertebrates. And that this is enough to have significant detrimental effects on the ecosystem health and result in deterioration of water quality.ⁱⁱ

The US Department of the Interior recommends the following approach to minimize the impact of lighting: 1) avoiding use of lighting that is not needed, 2) controlling color spectrum, 3) limiting light intensity, 4) managing the direction of light emissions, and 5) limiting the duration of light output.ⁱⁱⁱ

A variance or waiver granting the project an unrestrained right to install artificial lighting will have fatal effects on the wildlife native to the protected Wetlands in the Osprey area.

In addition, we are concerned about the invasiveness of the lighting to our home which has stood since 1902. YBR has not provided guidance on the type, number, duration, or the location of the proposed lighting to be installed cited under this request. Our home is within 50.1 feet from the street (Osprey Lane). Granting YBR this request as is will be invasive into our family home and assess an asymmetrical burden on our property.

Further, we submitted a letter dated August 26, 2021, to your office. In this letter, we expressed concerns about increased traffic on Osprey which will occur if YBR's current proposed plan is approved. This plan defines the main entrance/exit of the developed property onto Osprey Lane. The plan proposes to repurpose an existing narrow service road. This is an unnecessary intrusion on the narrow lane of Osprey as the current property has two additional entry/exit points from other roads that have existed since the home was erected in 1904. Additionally, the original, wider main driveway to the property that is accessed via Tuxedo Road has materially more capacity to accommodate the increase of traffic that will result from the proposed development. Both Tuxedo Road and the existing driveway that is assessable via Tuxedo Road are 143% and 118% wider respectively to that of Osprey Lane and the Service Road. It should also be noted that seasonally there is also an increase in traffic. Tuxedo Road, in fact, is structurally better equipped to handle more traffic than Osprey Lane.^{iv}


We also noted in the correspondence dated August 26, 2021, that we have a hearing-impaired child whose safety is of great concern due to increased risks related to more traffic. We respectfully ask the Borough of Rumson and YBR to consult with the Americans with Disabilities Act.^v The ADA states that reasonable accommodations need to be considered for those protected by the Act. As it is our opinion, there are viable existing options that utilize the more adequate infrastructure of Tuxedo Road and its existing property entrance on the West side of the lot.

In that letter we also outlined the current water run-off and question as to how it will be managed in the proposed infrastructure. A natural pool of water, visible on the Osprey Lane perimeter of the property, that recedes in drier times, appears to be developed. This requires advanced planning prior to construction to mitigate any unintended consequences to the neighboring properties and the natural eco-system on the property.

In closing, the proposed development site has an existing access infrastructure from Tuxedo Road and Rumson Road that are better suited to manage increased traffic flow and also be less intrusive to the natural wetlands on Osprey that maintain balance with respect to water flow. It is nonsensical to develop wider access on Osprey that will use a lane with less capacity, increase safety concerns, and be disruptive to the Osprey area wetlands.

Thank you in advance for your consideration.

Respectfully,

A handwritten signature in cursive script, appearing to read "Curran and Matthew Scoble".

Curran and Matthew Scoble

ⁱ <https://www.darksky.org/light-pollution/wildlife/>

ⁱⁱ <https://irma.nps.gov/DataStore/DownloadFile/582058>

ⁱⁱⁱ <https://irma.nps.gov/DataStore/DownloadFile/582058>

^{iv} See attached Exhibit 1

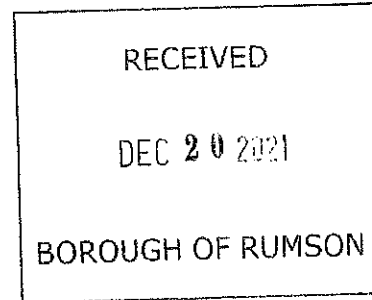
^v <https://www.ada.gov/cguide.htm>

Exhibit 1

Location	Width (feet)
Osprey Lane	21
Tuxedo Road	30
Tuxedo Entrance	20
Rumson Entrance	14.5
Osprey Entrance	17

December 20, 2021

Borough of Rumson Planning Board
c/o Fred Andre, Secretary
80 East River Road
Rumson, NJ 07760



Re: Yellow Brook Property Co.
Preliminary and Final Major Site Plan
91 Rumson Road; Block 124, Lot 31

Dear Board Members:

Yellow Brook Property's site plan for 91 Rumson Road must be denied by the Borough of Rumson Planning Board because it does not adhere to the Affordable Housing Settlement Agreement dated 1/16/20 ("Settlement Agreement") (located at <http://rumsonnj.gov/downloads/Yellow-Brook-Agreement-011720.pdf>), and adversely affects the surrounding neighborhood with its significant increase in elevations.

The Site Plan for 91 Rumson Road Does Not Adhere to the Settlement Agreement

The site plan calls for significant increases in the grade elevation for the roadway accessing Osprey Lane, the roadway between buildings 1 through 4, and buildings 1, 2, and 4.

1. Buildings 1 & 2: elevations between the development roadway and the east side of the buildings will be raised between 4.9' and 1.7' depending on location, including 3.3' to 4.23' at the east walkway for these buildings fronting Osprey Lane.
2. Roadway Between Buildings 1 Through 4: elevations are raised 1.8' to the north side, 3.48' to the middle and 3.9' to the south end of the roadway between these buildings.
3. Building 4: elevations will be raised 4.1' between buildings 3 and 4 and 4' in the center of the west side of building 4.
4. Roadway Accessing Osprey Lane: elevations are raised by 3.4' at the inlet at the southwest corner of building 2 and 1.46' at the inlet nearest the southeast corner of building 2.

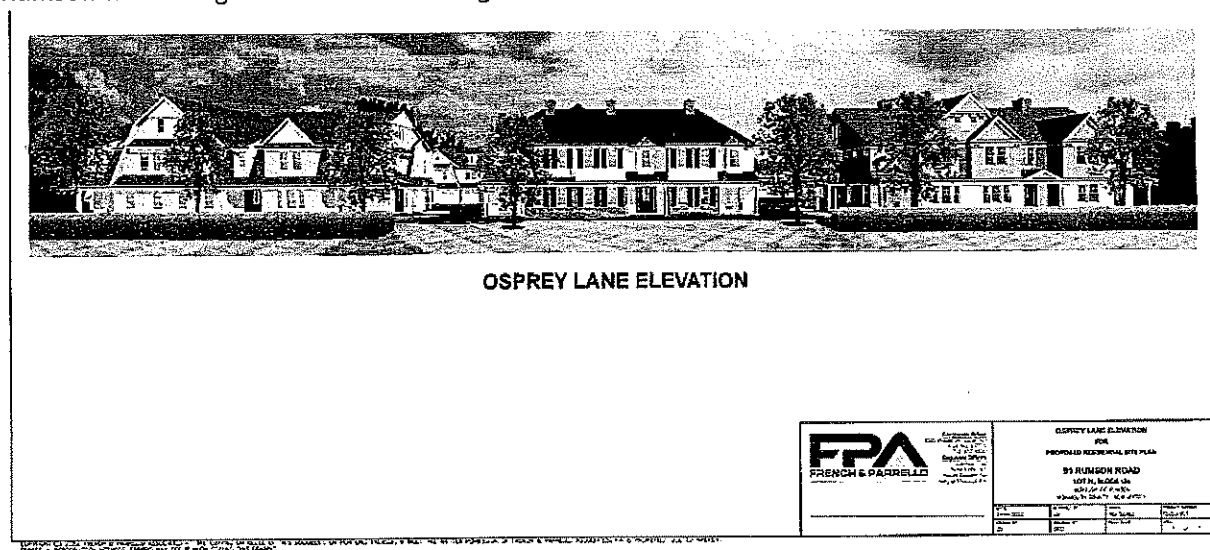
These elevation differences can be seen comparing page 7 to pages 9 and 10 of document 40. "91 Rumson Road Lauriston Park" located on the Borough website (<http://rumsonnj.gov/planning/91-Rumson-Road-Planning-Board-Documents.html>).

Section **E. Community Design and Access** of Exhibit D to the Settlement Agreement states that "Any plan for the development of the parcel shall be **substantially consistent**¹ with Exhibit C of the Yellow Brook Settlement Agreement (also attached hereto as Exhibit A), which shall be utilized, in terms of layout, arrangement, scale and intensity."

¹ Emphasis added

Exhibit C of the Settlement Agreement is titled "Concept Site Plan and Elevations² for Rumson Road Development." The Osprey Lane Elevation rendering included in Exhibit C to the Settlement Agreement seen below can be found on page 46 of 82 of the Settlement Agreement.

The Osprey Lane Elevation rendering (below) clearly does not contemplate the significant elevation increase included in Yellow Brook's proposed site plan for the 91 Rumson Road property. The significant increase to elevations proposed by Yellow Brook for the property were not agreed to by the Borough of Rumson when it signed the Settlement Agreement as seen below.



Section 4.1 of the Settlement Agreement states that "Nothing herein shall preclude the Developer from seeking reasonable bulk variances, waivers or *de minimis* exceptions as part of the development applications. That said, the site plan elevations are not *de minimis* nor are they consistent with the scale and intensity referenced by section E of Exhibit D to the Settlement Agreement, they are not reasonable to the residents in the immediate vicinity of this project, and should not be approved.

Further Perspectives

As residents of the neighborhood directly affected by this proposed development, we are firmly against this site plan and its significant elevation increases. Moreover, the planned elevations for this project were never clearly articulated to Rumson residents, particularly those in the immediate vicinity of this project.

We oppose the site plan with its significant elevation increases for the following reasons:

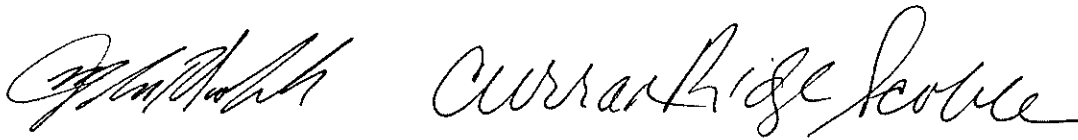
- It is inconsistent with the immediate surrounding neighborhood in its height and scale of the increased elevations.
- A layman's eye indicates at least an acre of the property will be significantly raised, especially the Osprey Lane facing parcel.

² Emphasis added

- A perpetual amplification and reverberation of noise pollution directed down to lower lying neighboring properties.
- Severe stormwater runoff not captured by a drainage system is more likely to negatively impact neighboring property owners as a result of increased elevations.
- The higher elevation of the planned property will increase the impact of nighttime lighting from the buildings on neighboring homes and the Freshwater Wetlands.
- The increased pitch under the plan will limit the effectiveness of the Freshwater Wetlands buffer zones due to increased runoff velocity.
- The elevated driveway will exacerbate the negative impact of headlights shining into the home at 7 Osprey Lane from cars heading east.

For the reasons outlined in this letter we request that the Borough of Rumson Planning Board reject Yellow Brook's, and any site plan, which includes elevations in the scale and intensity of this site plan. Lastly, we would not support the Borough of Rumson amending the Settlement Agreement to allow for the elevations proposed in the site plan.

Sincerely,

The image shows two handwritten signatures in black ink. The signature on the left is for Matthew R. Scoble, and the signature on the right is for Curran Ridge Scoble. Both signatures are written in a cursive, flowing style.

Matthew R. Scoble Curran Ridge Scoble

5 Osprey Lane
Rumson, NJ 07760

GAY 7 OSPREY LANE

#4

RECEIVED

SEP 07 2021

BOROUGH OF RUMSON

August 29, 2021

RE: Proposed Development
Lot 31 Block 124

Dear Mr Andre,
Yellow Brook Inc. has created a
serious problem for Osprey Lane by
requesting that both the entrance and
the exit to their development be
on Osprey Lane.

This request is grossly unfair and
impractical.

During heavy rainfall Osprey Lane
becomes a flooded and impassable
roadway. There is already an
increased traffic flow resulting
in traffic congestion, speeding cars,
and auto-truck pollution.
Osprey Lane's future appears grim!

E. and K. Harsar (10 OSPREY LANE)
have proposed a fair and practical
remedy - TUXEDO ROAD SOLUTION.

Please consider this remedy and share
this concern with the Planning Board -

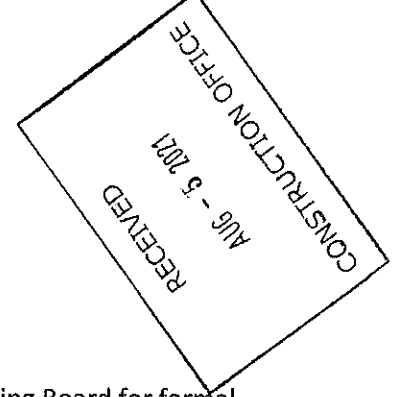
Mrs Dorothy Lea Gay
7 OSPREY LANE
RUMSON NJ

HARCSAR 10 OSPREY LANE

To: Mr. Frederick Andre, Planning Board Secretary and Zoning Officer, Borough of Rumson

RE: Proposed Development Lot 31 Block 124

DATE: August 5, 2021



Mr Andre,

In your capacity as Planning Board Secretary, please forward this letter to the full Planning Board for formal consideration. It serves to make a public comment regarding the development of Lot 31 Block 124 in advance of the Public Hearing of the Planning Board scheduled to take place on August 9th at 7:30 pm via Zoom.

This document recognizes the overall process of development that responds to COAH compliance, the alteration of the original proposal to meet protected wetlands and drainage requirements, and previous considerations of the impact of increased traffic, noise, and light pollution. Likewise, this letter praises Rumson's Planning Board position and responsibility to consider and to accommodate public concerns before making any final decision regarding the proposed application for development. Lastly, based on the data made available by the borough, this letter clarifies the remarks and suggestions offered by Rumson Borough residents Eugene and Katherine Harcsar of 10 Osprey Lane (Lot 30 Block 124) adjacent property owners of the proposed development.

The current site map for the Multi Family Major Site Plan for Lauriston Park prepared by French and Associates on 01/11/2021 (Project #n15053.003 Sheet 3 of 3) takes into account their own soil study. This study shows the individual drainage areas on lot 31 that limits the available developable land. As a result, the developers have reduced the original total number of units by two (from 16 to 14).

Owing in part to the limited available land for development, the developers have also completed studies and proposed remediation for the sight and sounds of increased traffic on the property. These include garage and on-site parking out of sight from Osprey Lane, and low-level lighting for pedestrians. Unavoidable in the current proposed plan is the traffic noise and light pollution of the single entrance and exit onto Osprey Lane. (As moderate-income housing, 14 units could potentially add 28 cars.) This particular burden is borne by 7 Osprey Lane that sits directly across from the site's proposed access; however, all homeowners suffer if later traffic studies discover that increased traffic here and at the intersection of Osprey Lane and Rumson Road make this "lane" unable to support the load.

A proposed solution arises from the Final Major Site Map that shows a clear egress of developable land on the existing driveway to the original building to and from Tuxedo Road. This existing driveway can meet with the new proposed road development for the multifamily units and alleviates the undue burden on Osprey Lane which seeks to remain a quiet walkway through the neighborhood. Further, this change shares the impact of this mandated development for moderate income housing within our borough. If further traffic impact is desired, the borough and developer can create one way access through their property. We implore to Board to consider final approval of the proposed development plan only with these needed and possible alterations.

Respectfully, /s/

Eugene and Katherine Harcsar 10 Osprey Lane, Rumson

To: Mr. Frederick Andre, Planning Board Secretary and Zoning Officer, Borough of Rumson

RECEIVED

RE: Proposed Development Lot 31 Block 124

AUG 11 2021

DATE: August 10, 2021

CONSTRUCTION OFFICE

Mr. Andre,

Thank you for the consideration you have shown by forwarding our previous comments and question regarding the second application of the Yellow Brook, Inc. to develop the property adjacent to our home at 10 Osprey Lane. This letter captures two remarks to the Zoning Board in lieu of Public Commentary for the August 9th Meeting.

Tuxedo Road Solution

With excitement we listened to the entire 2 ½ hours of the August Zoning Planning Board Meeting, particularly when Board Members picked up the themes of environmental concern of sewer and stormwater overload and of the impact of noise/light pollution the proposed traffic put upon both our citizens and the Borough's infrastructure on Osprey Lane and Rumson Road. These concerns in part point toward the solution we have previously urged the board to take: using the existing driveway on Tuxedo Road that already avoids the protected wetlands for access to and from the proposed development. Please note this wide driveway served as the primary access to the original property and at this date the mailbox still stands there as a silent sentinel that reminds us of what was, and what should continue to be.

Ironically, adding to the good sense of this solution stands, of course, the testimony of Site Engineer Decina, who responded to the Board's previous query by creating in this second amended application an appropriate egress for EMT and Fire Vehicles along the narrow single lane that connects the property to Rumson Road. This lane would be blocked on Rumson Road by a Break Away Barrier designed to allow these vehicles to pass. Because of the time restriction, no follow up or extending question regarding the use of this lane for other large vehicles like for example the regularly scheduled garbage truck or other utility vehicles. As these functions in lieu of public commentary, please tell us more of its operation, maintenance, and long-term efficacy and responsibility for enforced compliance. Moreover, Mr. Decina stated that a variance must be approved to make this important safety accommodation, with related costs to widen and reinforce the existing stone/grass lane, possible. This existing driveway is a fair comparable of cost and variance of the wetland buffers (given our commonsense appraisal).

Please note that this solution does not ask for an additional elaborate gateway. In fact, the proposed name and design of the entrance on Osprey Lane is a tone-deaf response from a design team that truly does not understand the animosity bred by this intrusive and otherwise unwelcomed development.

Hidden Pond Problem

During the original construction and development of the Lauriston Mansion, removing water away from the main structure and property was an equal concern then as it is now—with a surprisingly similar solution. On our property at 10 Osprey Lane exist a small man-made holding pond that rises and falls with the seasons. This hidden pond, which give the name to our property is fed by a series of underground pipes throughout the original property. The unbuildable and protected wetlands identified by the developer's survey as "Shr4" extended south and slightly west of the original mansion. By logic it is extended into what is now identified as Block 124 Lot 30, known by us as Hidden Pond.

At the time of the original application and survey, City Engineer met with us to confirm the man-made source of the water and suggested mapping the pipes with video technology to learn their location and function to help drain these

wet areas on both Lot 30 and 31 (and others as the run off stream feeds additional ponds on other properties to the south toward the Shrewsbury River.)

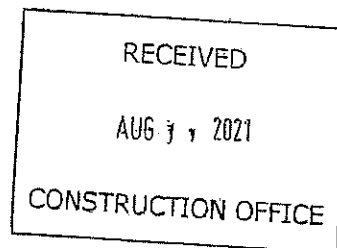
During COVID lockdown, no further action was made. Upon recent inquiry City Engineer David Marks reported to us by telephone that Mr. Decina's opinion on the matter was that when they start digging, they will deal with it then. He also reported to Mr. Marks that no records were found in the original site plan. These statements need to be confirmed as fact, and then acted upon. Given that the proposed development application includes groundwater surveys to discover the run-off pattern of the property, "digging" has begun. Given the diversion of the rooftop water of six large buildings into a separate underground "pond" that pools and then slowly releases the rain and storm water into the sewer system along Osprey Lane, rather than southwest into the wetland Shr4 (and beyond), it is time to discover if "Hidden Pond" will one day be called "No Pond."

Again, with respect and thanks,

/s/ Eugene Harcsar Katherine A. Harcsar

Eugene and Katherine Harcsar

10 Osprey Lane, Rumson NJ



To: Mr. Frederick Andre, Planning Board Secretary and Zoning Officer, Borough of Rumson

RE: Public Comment on Proposed Development Lot 31 Block 124

DATE: November 10, 2021

Mr. Andre,

The recent Planning Board Meeting of November 8th made clear how the line to determine the wetlands buffer zone is determined: The will of Yellow Brook, Inc. to maximize building space and to silence discussion about using the existing driveway to and from the proposed structures from Tuxedo Road.

During the recent redo of the application, Mr. DeCina explained for the first time in a public presentation how the buffer zone can be altered to accommodate a building design by extending and receding the line while keeping the total square footage the same. In his presentation, he indicated with his pointer where exactly these reductions and compensations take place, hovering first over the most westerly buildings where the line nearly traces the structures footprint; and of course, next where the extensions protrude over the existing driveway. Mr. DeCina stated further that these changes had been "Approved." Questions and comments could not be pressed to clarify immediately the whos, whats, and whys of this reduction/compensation process.

I take from the comments of zoning board members that the need to provide alternate access to and egress from the proposed development regarding overall traffic flow are a priority concern of the Borough rather than just the "lighting, drainage, and type of pavement" as suggested by Mr. Art Bernard on behalf of the applicant. Further I trust the board will fully investigate and demand alteration of the "approved" layout plan to accommodate this common-sense solution.

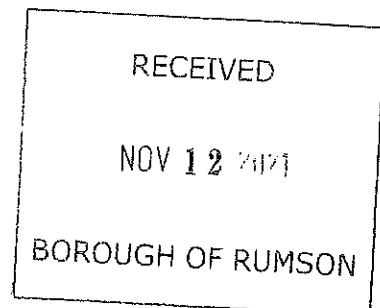
In other words, the Tuxedo driveway that has always existed but now suddenly impedes on the wetland buffer zone can be changed by the Rumson Zoning Board's own will. Yippee!

Respectfully,

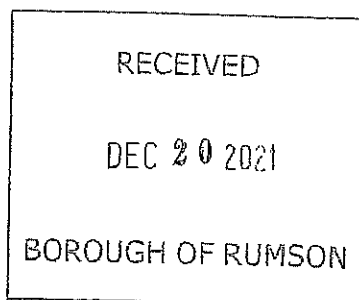
/s/

Katherine A Harcsar

10 Osprey Lane



Borough of Rumson Planning Board
c/o Fred Andre, Secretary
80 East River Road
Rumson, NJ 07760



December 20, 2021

Re: Yellow Brook Property Co.
Preliminary and Final Major Site Plan
91 Rumson Road; Block 124, Lot 31

Dear Board Members:

Yellow Brook Property's site plan for 91 Rumson Road must be denied by the Borough of Rumson Planning Board because it does not adhere to the Affordable Housing Settlement Agreement dated 1/16/20 ("Settlement Agreement") (located at <http://rumsonnj.gov/downloads/Yellow-Brook-Agreement-011720.pdf>), and adversely affects the surrounding neighborhood with its significant increase in elevations.

The Site Plan for 91 Rumson Road Does Not Adhere to the Settlement Agreement

The site plan calls for significant increases in the grade elevation for the roadway accessing Osprey Lane, the roadway between buildings 1 through 4, and buildings 1, 2, and 4.

1. Buildings 1 & 2: elevations between the development roadway and the east side of the buildings will be raised between 4.9' and 1.7' depending on location, including 3.3' to 4.23' at the east walkway for these buildings fronting Osprey Lane.
2. Roadway Between Buildings 1 Through 4: elevations are raised 1.8' to the north side, 3.48' to the middle and 3.9' to the south end of the roadway between these buildings.
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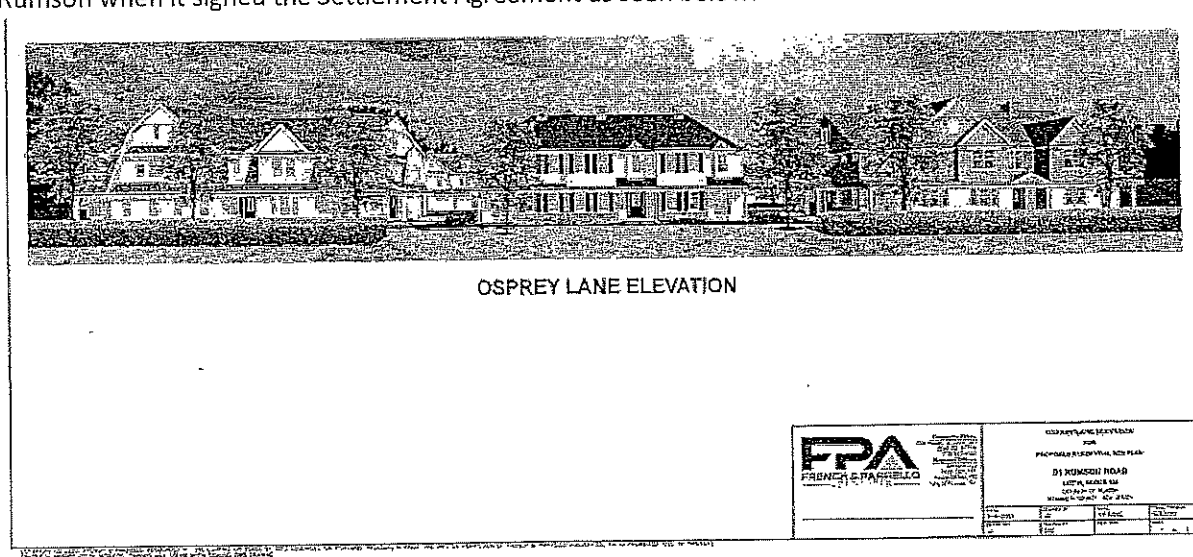
These elevation differences can be seen comparing page 7 to pages 9 and 10 of document 40. "91 Rumson Road Lauriston Park" located on the Borough website (<http://rumsonnj.gov/planning/91-Rumson-Road-Planning-Board-Documents.html>).

Section **E. Community Design and Access** of Exhibit D to the Settlement Agreement states that "Any plan for the development of the parcel shall be substantially consistent¹ with Exhibit C of the Yellow Brook Settlement Agreement (also attached hereto as Exhibit A), which shall be utilized, in terms of layout, arrangement, scale and intensity."

¹ Emphasis added

Exhibit C of the Settlement Agreement is titled "Concept Site Plan and Elevations² for Rumson Road Development." The Osprey Lane Elevation rendering included in Exhibit C to the Settlement Agreement seen below can be found on page 46 of 82 of the Settlement Agreement.

The Osprey Lane Elevation rendering (below) clearly does not contemplate the significant elevation increase included in Yellow Brook's proposed site plan for the 91 Rumson Road property. The significant increase to elevations proposed by Yellow Brook for the property were not agreed to by the Borough of Rumson when it signed the Settlement Agreement as seen below.



Section 4.1 of the Settlement Agreement states that "Nothing herein shall preclude the Developer from seeking reasonable bulk variances, waivers or *de minimis* exceptions as part of the development applications. That said, the site plan elevations are not *de minimis* nor are they consistent with the scale and intensity referenced by section E of Exhibit D to the Settlement Agreement, they are not reasonable to the residents in the immediate vicinity of this project, and should not be approved.

Further Perspectives

As residents of the neighborhood directly affected by this proposed development, we are vehemently against this site plan and its significant elevation increases. Moreover, the planned elevations for this project were never clearly articulated to Rumson residents, particularly those in the immediate vicinity of this project.

We oppose the site plan with its significant elevation increases for the following reasons:

- It is inconsistent with the immediate surrounding neighborhood in its height and scale of the increased elevations.
- A layman's eye indicates at least an acre of the property will be significantly raised, especially the Osprey Lane facing parcel.

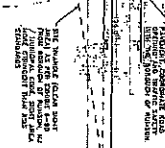
² Emphasis added

- Severe stormwater runoff not captured by a drainage system is more likely to negatively impact neighboring property owners as a result of increased elevations.
- The higher elevation of the planned property will increase the impact of nighttime lighting from the buildings on neighboring homes and the Freshwater Wetlands.
- The increased pitch under the plan will limit the effectiveness of the Freshwater Wetlands buffer zones due to increased runoff velocity.
- The elevated driveway will exacerbate the negative impact of headlights shining into the home at 7 Osprey Lane from cars heading east.

For the reasons outlined in this letter we request that the Borough of Rumson Planning Board reject Yellow Brook's, and any site plan, which includes elevations in the scale and intensity of this site plan. Lastly, we would not support the Borough of Rumson amending the Settlement Agreement to allow for the elevations proposed in the site plan.

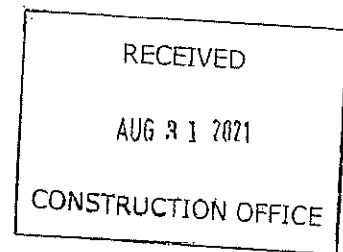
Sincerely,

Neighbor on Tuxedo & Osprey Lane



COSGROVE 12 OSPREY LANE

David Bahrs Cosgrove
12 Osprey Lane
Rumson, NJ 07760



Rumson Planning Board
Borough Hall
Rumson, NJ
Attention: Mr. Fred Andre, Secretary

Re: 91 Rumson Road, Proposed Development Project (the "Project")

Members of the Board:

We reside at 12 Osprey Lane, the second lot south of the planned Project. Like many of our neighbors, and we suspect many of the members of the Planning Board, we have scores serious concerns and questions about the Project, its impact on our neighborhood and how we can come together with the Planning Board and the applicant to make common sense improvements to the plans. We will only have one chance to finalize a set of plans for this project that are realistic, safe, reasonable and fair to the neighborhood and town under the circumstances. So we only ask that the dedicated members of the Planning Board give this Project careful consideration and, where appropriate, ask the applicant to go back to the drawing board to come up with a better approach.

For purposes of this letter, and based on the series of discussions we heard during the Planning Board's last meeting on this topic, we would appreciate the Planning Board's scrutiny and careful consideration of the following two concerns:

1. **Ingress/Egress.** *Why are we taking a property that has a single family home with three driveways (Osprey, Rumson Road, Tuxedo) and developing it into 14 family units with one driveway (Osprey)?*

At the last Planning Board meeting, the applicant's experts basically described the proposed single Osprey Lane driveway as the best of a number of terrible alternatives to chose from (i.e. the least worst idea they could come up with). To paraphrase some of what we heard:

- Will the headlights coming from the new driveway now beam directly into the home across the street? "Yes, but..."
- Isn't there a Rumson Road driveway that will remain on the site but for emergency use only, couldn't that be the point of egress (i.e. as a one way exit)? "Yes, but..."
- There is already a potential point of egress on Tuxedo (*which I note is a much wider street than Osprey with no beach access or other traffic*

pressure issues), the applicant is removing that as an alternative?

"Yes, but..."

- Won't you be making already challenging traffic conditions on Osprey worse? "Yes, but..."

We ask that the applicant be required to do better than presenting the best of the worst alternatives, and to resubmit a revised plan that includes one way ingress on Osprey and one way egress out of one of the other existing, functional and obvious alternatives. This may require more site planning, wetlands planning and other planning, but that would all serve the primary objective of having the Planning Board approve the best set of plans for all constituents.

2. *Drainage/Environmental Impacts.* *Any of us familiar with the flooding, drainage and natural habitat issues that go along with living close to the river on land with a very low water table, particularly in the fall, winter and spring, has credible doubts about the applicant's assertions that this project will not overwhelm our storm drainage system. Is the planning board satisfied with the Storm Water Management Report and Environmental Impact Statement submitted by the applicant?*

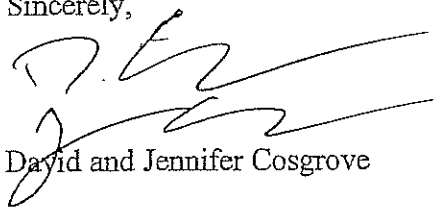
- While we and, we suspect, many of the Planning Board members are not storm water engineering experts, it is hard to fathom how an underground pond/tank will help in any manner. It will certainly be below the water table virtually every time it is needed to perform its function, i.e. when frequent flooding in the area occurs and most of that property, the neighboring properties and the streets are all covered in water anyway.
- As the recent letter from Mr. and Mrs. Harcsar (10 Osprey Lane) points out (and educates us), the original Lauriston Estate (which consisted of the entire west side of Osprey Lane) included a series of ponds, streams and pipes through which water still drains (North to South) from and off of what is now the site of the project to (1) the Harcsar's "Hidden Pond" (10 Osprey Lane), then to (2) a larger pond on our property (12 Osprey Lane) through a stream and a pipe, then to (3) a third pond located on the property at 18 Osprey Lane (there is a long underground pipe running between these two ponds) to (4) the marshy area of the Shrewsbury River at the end of the street.
- Our pond, and I am sure the others, is a natural habitat for bullfrogs, turtles, heron, and mallards not to mention a watering hole for deer, racoons and countless other species. *Can the applicant tell us whether this project will flood and overflow our ponds, or dry them up completely? We certainly have no idea.*

- Is the Planning Board satisfied with the Environmental Impact Statement prepared by the applicant's experts? *It is completely devoid of any analysis of the impact of the project on neighboring properties, including this series of ponds streams and pipeways that have been part of the environmental fabric of the neighborhood for decades.*

On this topic, we ask that the Planning Board commission its own storm water drainage study and environmental impact statement to scrutinize the questionable plan proposed by the applicant and to conduct an actual unbiased environmental impact statement that actually addresses the Project's impact on the surrounding environment.

We thank the members of the Planning Board for their service, and for their careful attention to ensuring an appropriate set of plans for this Project.

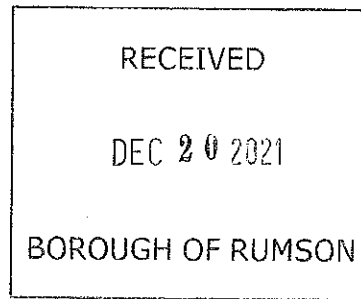
Sincerely,

A handwritten signature in black ink, appearing to be 'D. Cosgrove' with a large, stylized flourish at the end.

David and Jennifer Cosgrove

December 20, 2021

Borough of Rumson Planning Board
c/o Fred Andre, Secretary
80 East River Road
Rumson, NJ 07760



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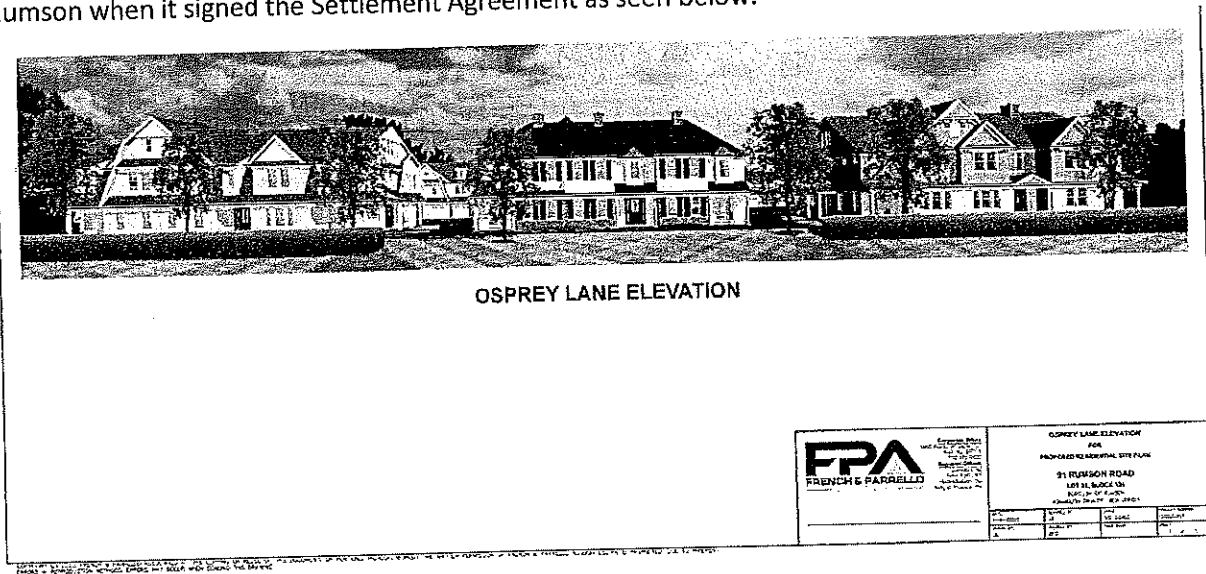
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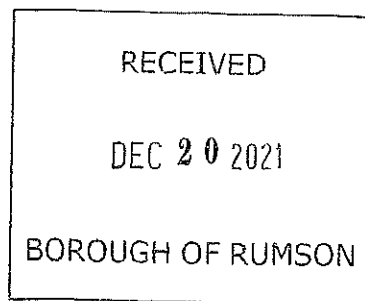
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Sincerely,

David Conrue
12 Osprey Lane
Rumson NJ 07760

SCHEFFER 8 TUXEDO ROAD

Borough of Rumson Planning Board
c/o Fred Andre, Secretary
80 East River Road
Rumson, NJ 07760



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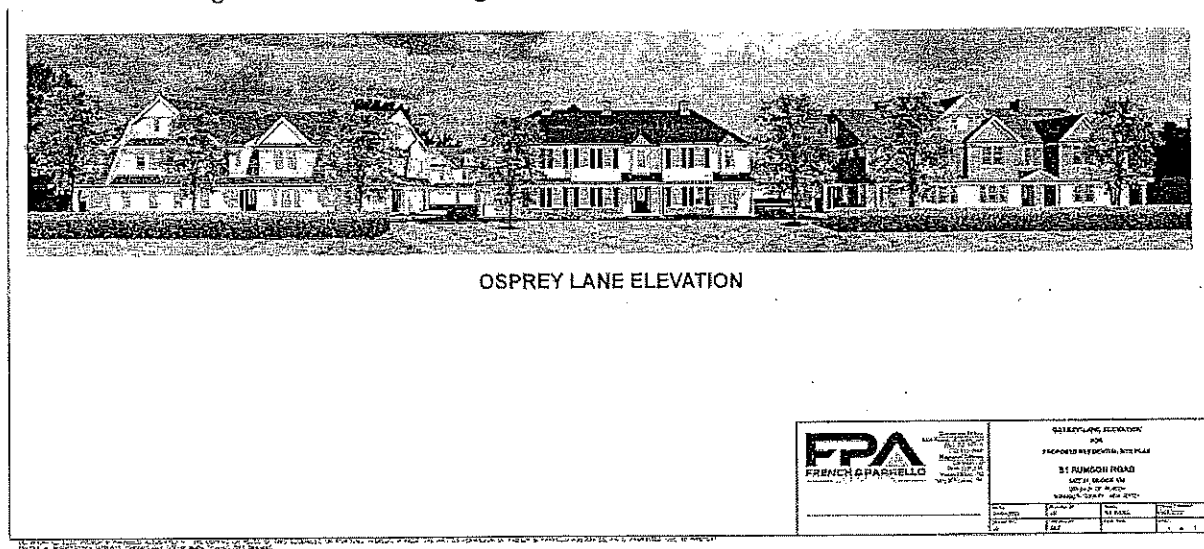
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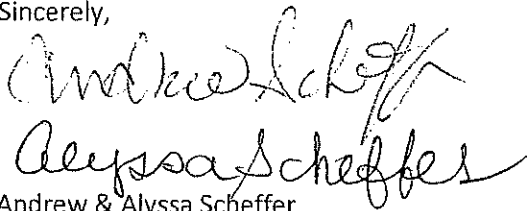
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² Emphasis added

- A perpetual amplification and reverberation of noise pollution directed down to lower lying neighboring properties.
- Severe stormwater runoff not captured by a drainage system is more likely to negatively impact neighboring property owners as a result of increased elevations.
- The higher elevation of the planned property will increase the impact of nighttime lighting from the buildings on neighboring homes and the Freshwater Wetlands.
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Sincerely,

The block contains two handwritten signatures in black ink. The first signature is 'Andrew Scheffer' and the second is 'Alyssa Scheffer'. Both are written in a cursive, flowing style.

Andrew & Alyssa Scheffer

8 Tuxedo Rd.

Rumson, NJ 07760